



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1956

Introduced 2/23/2007, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

720 ILCS 648/10  
720 ILCS 648/55  
720 ILCS 648/56 new

Amends the Methamphetamine Precursor Control Act. Defines "methamphetamine precursor electronic log system" as a system by which pharmacies or retail distributors maintain in an electronic format or by electronic means required information relating to the purchase, receipt, and acquisition of targeted methamphetamine precursors. Provides that any regulation of targeted methamphetamine precursors and targeted packages by a home rule unit that establishes rules for a methamphetamine precursor electronic log system is exempt from the home rule preemption provisions of the Act. Provides that the General Assembly authorizes the creation of pilot programs by home rule units to establish methamphetamine precursor electronic log systems. Provides that the home rule units shall develop the methods by which the methamphetamine precursor electronic log systems are maintained. Provides that these pilot programs shall allow the State to assess the effectiveness of methamphetamine precursor electronic log systems as a means of preventing illegal purchase of methamphetamine precursor products.

LRB095 07652 RLC 31898 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Methamphetamine Precursor Control Act is  
5 amended by changing Sections 10 and 55 and by adding Section 56  
6 as follows:

7 (720 ILCS 648/10)

8 Sec. 10. Definitions. In this Act:

9 "Administer" or "administration" has the meaning provided  
10 in Section 102 of the Illinois Controlled Substances Act.

11 "Agent" has the meaning provided in Section 102 of the  
12 Illinois Controlled Substances Act.

13 "Convenience package" means any package that contains 360  
14 milligrams or less of ephedrine or pseudoephedrine, their salts  
15 or optical isomers, or salts of optical isomers in liquid or  
16 liquid-filled capsule form.

17 "Deliver" has the meaning provided in Section 102 of the  
18 Illinois Controlled Substances Act.

19 "Dispense" has the meaning provided in Section 102 of the  
20 Illinois Controlled Substances Act.

21 "Distribute" has the meaning provided in Section 102 of the  
22 Illinois Controlled Substances Act.

23 "List I chemical" has the meaning provided in 21 U.S.C.

1 Section 802.

2 "Methamphetamine precursor" has the meaning provided in  
3 Section 10 of the Methamphetamine Control and Community  
4 Protection Act.

5 "Methamphetamine precursor electronic log system" means a  
6 system by which pharmacies or retail distributors maintain in  
7 an electronic format or by electronic means the information  
8 described in paragraph (2) of subsection (a) of Section 20,  
9 subsection (f) of Section 25, and subsection (e) of Section 30  
10 of this Act.

11 "Package" means an item packaged and marked for retail sale  
12 that is not designed to be further broken down or subdivided  
13 for the purpose of retail sale.

14 "Pharmacist" has the meaning provided in Section 102 of the  
15 Illinois Controlled Substances Act.

16 "Pharmacy" has the meaning provided in Section 102 of the  
17 Illinois Controlled Substances Act.

18 "Practitioner" has the meaning provided in Section 102 of  
19 the Illinois Controlled Substances Act.

20 "Prescriber" has the meaning provided in Section 102 of the  
21 Illinois Controlled Substances Act.

22 "Prescription" has the meaning provided in Section 102 of  
23 the Illinois Controlled Substances Act.

24 "Readily retrievable" has the meaning provided in 21 C.F.R.  
25 part 1300.

26 "Retail distributor" means a grocery store, general

1 merchandise store, drug store, other merchandise store, or  
2 other entity or person whose activities as a distributor  
3 relating to drug products containing targeted methamphetamine  
4 precursor are limited exclusively or almost exclusively to  
5 sales for personal use by an ultimate user, both in number of  
6 sales and volume of sales, either directly to walk-in customers  
7 or in face-to-face transactions by direct sales.

8 "Sales employee" means any employee or agent, other than a  
9 pharmacist or pharmacy technician who works exclusively or  
10 almost exclusively behind a pharmacy counter, who at any time  
11 (a) operates a cash register at which targeted packages may be  
12 sold, (b) stocks shelves containing targeted packages, or (c)  
13 trains or supervises any other employee or agent who engages in  
14 any of the preceding activities.

15 "Single retail transaction" means a sale by a retail  
16 distributor to a specific customer at a specific time.

17 "Targeted methamphetamine precursor" means any compound,  
18 mixture, or preparation that contains any detectable quantity  
19 of ephedrine or pseudoephedrine, their salts or optical  
20 isomers, or salts of optical isomers.

21 "Targeted package" means a package, including a  
22 convenience package, containing any amount of targeted  
23 methamphetamine precursor.

24 "Ultimate user" has the meaning provided in Section 102 of  
25 the Illinois Controlled Substances Act.

26 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

1 (720 ILCS 648/55)

2 Sec. 55. Preemption and home rule powers.

3 (a) Except as provided in subsections (b) and (c)  
4 ~~subsection (b)~~ of this Section, a county or municipality,  
5 including a home rule unit, may regulate the sale of targeted  
6 methamphetamine precursor and targeted packages in a manner  
7 that is not more or less restrictive than the regulation by the  
8 State under this Act. This Section is a limitation under  
9 subsection (i) of Section 6 of Article VII of the Illinois  
10 Constitution on the concurrent exercise by home rule units of  
11 the powers and functions exercised by the State.

12 (b) Any regulation of the sale of targeted methamphetamine  
13 precursor and targeted packages by a home rule unit that took  
14 effect on or before May 1, 2004, is exempt from the provisions  
15 of subsection (a) of this Section.

16 (c) Any regulation of targeted methamphetamine precursors  
17 and targeted packages by a home rule unit that establishes  
18 rules for a methamphetamine precursor electronic log system as  
19 provided for in Section 56 is exempt from the provisions of  
20 subsection (a) of this Section.

21 (Source: P.A. 94-694, eff. 1-15-06.)

22 (720 ILCS 648/56 new)

23 Sec. 56. Methamphetamine Precursor Electronic Log System  
24 Pilot Program. The General Assembly authorizes the creation of

1 pilot programs by home rule units to establish methamphetamine  
2 precursor electronic log systems. The home rule units shall  
3 develop the methods by which the methamphetamine precursor  
4 electronic log systems are maintained. These pilot programs  
5 shall allow the State to assess the effectiveness of  
6 methamphetamine precursor electronic log systems as a means of  
7 preventing illegal purchase of methamphetamine precursor  
8 products.